

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, et al;)
)
)
Plaintiffs,)
)
)
v.) CIVIL ACTION
)
) FILE NO: 1:17cv02989-AT
BRIAN P. KEMP, et al.;)
)
)
Defendants.)
)

DECLARATION OF JOSEPH BLAKE EVANS

Pursuant to 28 U.S.C. 1746, Joseph Blake Evans declares as follows:

1.

I make this Declaration in support of a response by Fulton County Board of Elections to certain motions filed in the above-styled matter of Donna Curling, et al., v. Brian Kemp, et al., (Civil Action No. 1:17-cv-2989-AT). Specifically, the purpose of this Declaration is to respond to the allegations in Plaintiffs' Motions for Preliminary Injunction by providing the practical realities surrounding implementation of a paper ballot voting system for the September 2019 special election and the related October 2019 runoff election.

2.

I am the Elections Chief of the Fulton County Department of Registration and Elections and have been employed in that role since March 6, 2019.

3.

Pursuant to O.C.G.A. §21-2-379 *et seq.*, the September 2019 special election and if necessary, the related October 2019 runoff election are to be conducted through the use of Direct Recording Electronic (“DRE”) voting equipment.

4.

Beginning on August 15, 2019, the Fulton County Department of voter Registration and Elections will perform logic and accuracy testing on more than 500 DRE voting machines to validate the accuracy of the functionality of the equipment and accuracy of the accumulation of votes. This is a prerequisite that must occur on all voting equipment (including Optical Scan (OS) units) used in an official election. Any new or additional voting and tabulation equipment introduced will require logic and accuracy testing as well.

5.

If as Plaintiffs claim, the DRE system can be hacked, it should be understood that the GEMS server programs both the DRE and the OS units. If one could theoretically hack the DRE system, the same hack would affect the OS as

well. In fact, Plaintiffs' have requested that the Fulton County Department of Registration and Elections sequester a portion of its OS machines because of their alleged vulnerability.

6.

Fulton County has 36 operable and non-sequestered OS units available for the September 2019 special election. The OS units are used to read absentee ballots. To conduct the September 2019 special election via paper ballots, the County would need approximately 130 OS machines for Election Day and absentee ballots. Accordingly, Fulton County does not currently have enough optical scanners to use for counting all of the ballots expected to be cast in September 2019. The cost of procuring and deploying adequate numbers of optical scanners for the September 2019 election would carry exorbitant and unbudgeted cost.

7.

Pursuant to O.C.G.A. §21-2-540, August, 19, 2019 is the final date to call the September 2019 special election.

8.

Pursuant to O.C.G.A. §21-2-540, August 19, 2019 is the final date to submit municipal public notice, resolutions and call the special elections held in conjunction with the September 2019 special election.

9.

Depending on when the Secretary of State finalizes the County's GEMS database, ballot images and transmits them to the County for proofing and approval, the County anticipates commencing Logic and Accuracy testing on August 15, 2019 for the September 2019 special election.

10.

On August 26, 2019, absentee voting will commence for the September 2019 special election, with the mailing of absentee ballots. Absentee ballots are paper ballots. Electors have until September 13, 2019 to request absentee ballots.

11.

On July 10, 2019, The Fulton County Election Department presented the September 17, 2019 election budget soundings request to the Fulton County Board of Commissioners for the Board of Commissioners District 6 contest. The Department has also executed its contract with Atlanta Public Schools to conduct its September 2019 election. The Department has also projected the amount of temporary staff needed for the September election (many temporary staff is slated to begin on July 24th.) and has projected the number of poll workers that we will need.

Online poll worker training will begin by July 22, 2019, and in-person training will begin on August 17, 2019. Approximately 451 poll workers will be

trained. If the Court enjoins the use of DRE machines, Fulton County would have to rewrite early voting and Election Day procedures manuals and retrain early voting and Election Day poll workers as paper ballots have not been used in a Georgia election since 1964.

12.

The Fulton County Department of Registration and Elections has budgeted \$696,932 for the September 2019 special election; not including funds for a potential runoff. These costs were based on using DRE machines. If the Court restrains the use of DRE machines, paper ballots would have to be ordered, additional staff would have to be hired and additional optical scanning machines would have to be purchased. Approximately 130 ballot boxes would have to be purchased for Election Day. There is no additional money in the Fulton County Department of Registration and Elections budget to cover the additional costs that a paper ballot election would require.

13.

Requiring the Defendants to implement a paper ballot voting system would cause administrative upheaval, financial crisis and voter confusion. Confusion would result from being required to have all ballot types at every early voting site.

14.

O.C.G.A. §21-2-385(d)(1)(C) requires a period of advance voting be provided. Early voting for the September 2019 election in Fulton County will run from August 26, 2019 until September 13, 2019. In order for early voting to occur, Fulton County election officials would have to rewrite election procedures, retrain poll workers, order paper ballots and ballot boxes for the early voting locations, and distribute the paper ballots and ballot boxes to each early voting location.

15.

In order to ensure that counterfeit ballots are not utilized, that the ballot boxes are properly secured, and that the casting of early voting ballots of 113 precincts is properly facilitated, full-time staff would need to be available to oversee advance voting, thus if Fulton County is required to go to a paper ballot voting system, early voting would be reduced to one location, the Fulton County Government Center.

16.

Currently, Fulton County has confirmed 3 early voting sites for the September 2019 elections. I believe that any reduction in advance voting sites is likely to impact voter turnout and to lead to voter alienation. However, it is in the best interests of the County's citizens to guard against the administrative turmoil,

confusion and voter disenfranchisement that would result if 3 locations each attempted to provide paper ballots for 113 precincts.

17.

Our current procedures for absentee ballots, when there are random marks or illegible handwriting is to have 3 staff members assist with providing a legible ballot –one person reads the ballot as best they can, one person marks another ballot, the third person verifies that the person marking the ballot has done so consistent with what has been read. It is anticipated that a similar process would need to be employed if paper ballots are encountered that have stray marks or are illegible or not fully completed. Procedures would need to be put in place for dealing with markings on paper ballots that make the voter's intention ambiguous.

18.

As of July 8, 2019, there are 789,221 registered voters in Fulton County.

19.

For the September 2019 special election, it is anticipated that 451 poll workers will be trained in Fulton County.

20.

Fulton County currently plans to hire 48 temporary staff for election support and anticipates hiring temporary 21 staff for early voting.

21.

Pursuant to O.C.G.A. §21-2-384, August 26, 2019 is the final date to receive the approved GEMS database from the Secretary of State for the September 2019 special election.

22.

If Fulton County were required to use only use paper ballots in the September 2019 special election, Defendants would send on average, approximately 1534 ballots to each polling location (please note that polling locations are different from precincts; and multiple precincts may be at one location), for a total of approximately 88,972 ballots.

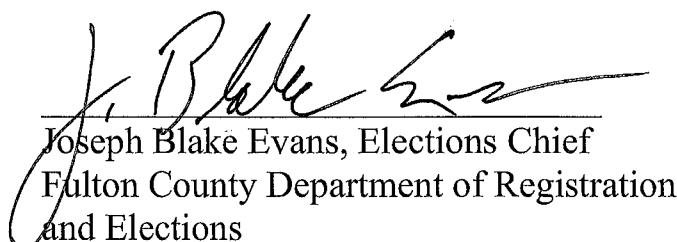
23.

It is policy and practice of Fulton County, and Fulton County poll workers are instructed to offer a provisional ballot to each voter that is denied a ballot.

24.

I declare under penalty of perjury that the foregoing is true and correct to the best of my ability.

This 10 day of July, 2019.



Joseph Blake Evans, Elections Chief
Fulton County Department of Registration
and Elections